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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 GNLV, Corp., a Nevada corporation,

Case No.: 2:13-cv-00943-JCM-CWH

13 Plaintiff,

14 v.

15 T. WARREN ENTERPRISES, INC.,
16 an Ohio corporation f/k/a GOLDEN
NUGGET ARCADE, INC., GREAT
17 VIBE ENTERTAINMENT, INC., an
Ohio corporation, TRACIE PASTORE,
18 an individual, and
YABACUSHYANEI BENNETT, an
individual

**TEMPORARY RESTRAINING
ORDER**

19 Defendants.

20

21 UPON CONSIDERATION of the Motion filed by plaintiff GNLV, Corp. ("plaintiff" or
22 "GNLV"), requesting a temporary restraining order and injunction requiring defendants T.
23 WARREN ENTERPRISES, INC., f/k/a GOLDEN NUGGET ARCADE, INC., GREAT VIBE
24 ENTERTAINMENT, INC., TRACIE PASTORE, and YABACUSHYANEI BENNETT
25 (collectively "defendants") to immediately cease and desist all use of plaintiff's GOLDEN
26 NUGGET and/or similar or derivative trademarks including but not limited to "The Nugget", the
27

1 supporting memorandum of points and authorities, the supporting Declaration, the record in this
 2 case, and for other good cause shown:

3 THE COURT HEREBY FINDS THAT:

4 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a)
 5 and supplemental jurisdiction over plaintiff's state law claims pursuant to 28 U.A.C. § 1367(a);

6 2. The court has personal jurisdiction over the defendants in that it committed tortious
 7 acts that it knew or should have known would cause injury to plaintiff in the State of Nevada;

8 3. GNLV has made extensive use of the GOLDEN NUGGET Marks on, among other
 9 things, signage, wearing apparel, and sales and promotional materials, and has obtained federal
 10 registration for the GOLDEN NUGGET Marks for various goods and services, including but not
 11 limited to:

12 (a) GOLDEN NUGGET for casino and bar services (U.S. Reg. No. 1,554,155);
 13 (b) GOLDEN NUGGET for nightclub, bar, cabaret and casino services (U.S. Reg. No.
 14 1,082,044); and
 15 (c) GOLDEN NUGGET for casino services (U.S. Reg. No. 1,203,988).

16 4. GNLV has made extensive use of the GOLDEN NUGGET Marks on, among other
 17 things, signage, wearing apparel, and sales and promotional materials, and is a licensee of several
 18 federal registrations for the GOLDEN NUGGET Marks for various goods and services, including
 19 but not limited to:

20 (a) GOLDEN NUGGET for casino and bar services (U.S. Reg. No. 1,554,155);
 21 (b) GOLDEN NUGGET for nightclub, bar, cabaret and casino services (U.S. Reg. No.
 22 1,082,044); and
 23 (c) GOLDEN NUGGET for casino services (U.S. Reg. No. 1,203,988).

24 5. Based on its federal trademark registrations and extensive use, GNLV owns the
 25 exclusive right to use the GOLDEN NUGGET Marks in connection with resort hotel, casino and
 26 related services. The extensive advertising and promotion of the "Golden Nugget" resort hotel
 27 casinos have resulted in the GOLDEN NUGGET name and marks being distinctive for resort hotel
 28 casino services;

1 6. Defendant GNA has used GNLV's marks on its signage and on advertising and
2 promotional materials to market its casino;

3 7. GNLV will suffer irreparable injury if the court does not require defendant to cease
4 and desist its use of GNLV's marks;

5 8. GNLV has demonstrated likelihood of success on the merits of its mark infringement
6 claims against defendant under the Lanham Act, 15 U.S.C. § 1114, and Nevada law;

7 9. GNLV has demonstrated likelihood of success on the merits of its unfair competition
8 claims against defendant under the Lanham act, 15 U.S.C. § 1125(a);

9 10. There is no likelihood of harm to the public from the temporary restraining order now
10 being granted.

11 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that: GNLV's application
12 for temporary restraining order is hereby GRANTED;

13 IT IS FURTHER ORDERED that defendant will immediately cease and desist any and all
14 use of GNLV's name and trademarks and any and all variants thereof including but not limited to
15 GOLDEN NUGGET and "The Nugget".

16 IT IS FURTHER ORDERED that defendant shall file, pursuant to 15 U.S.C. § 1116(a), with
17 this court and serve upon GNLV within thirty (30) days after entry of this Order, a report in writing
18 under oath setting forth in detail the manner and form in which defendant has complied with this
19 court's Order; and

20 IT IS FURTHER ORDERED that GNLV shall post a nominal bond of \$100.00 because the
21 evidence indicates that defendant will only suffer minimal, if any, damage by the issuance of this
22 temporary restraining order.

23 **ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION**

24 UPON CONSIDERATION of GNLV's Motion, the Memorandum of Points and Authorities,
25 the supporting declarations and exhibits, the papers and pleadings on file in this matter and for good
26 cause shown;

27 1. The court hereby sets the hearing for plaintiff's motion for preliminary injunction on
28 June 12, 2013 at 1:15 p.m. in Courtroom 6A at the Lloyd D. George United States Federal

Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

2. Further, the Court hereby sets the following briefing schedule relating to plaintiff's Motion:

(d) Defendant shall file and serve opposition papers, if any, no later than June 5, 2013, and

(e) Plaintiff shall file and serve its reply brief, if any, no later than June 10, 2013.

DATED: May 30, 2013.

James C. Mahan
UNITED STATES DISTRICT JUDGE

Dated: May 30, 2013

Time: 10:10 AM

Respectfully submitted by:

GREENBERG TRAURIG, LLP
/s/ Laraine M.I. Burrell
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